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P24  
1865

OUR TRIUMPH AND OUR NEW DUTIES.

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# ORATION

DELIVERED BY

CORTLANDT PARKER, ESQ.,

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AT

BLOOMFIELD, N. J., JULY 4, 1865.

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NEWARK, N. J. :

A. STEPHEN HOLBROOK, PRINTER,

No. 3 Mechanic Street.

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1865.



CORTLANDT PARKER, Esq., NEWARK, N. J.

SIR :

We, citizens of Bloomfield, respectfully request a copy of your excellent Oration, delivered before us yesterday, for publication.

In asking this, we desire to express our approval of the sentiments contained therein, and to say that we believe a more extended dissemination of them will contribute towards enlightening the public mind on questions which will soon come more prominently before it. We are, Sir,

Very truly,

Your obedient servants,

IRA DODD,  
A. MATTHEWS,  
HORACE PIERSON,  
D. W. SMITH,  
and others.

*Bloomfield, July 5, 1865.*

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NEWARK, July 8, 1865.

GENTLEMEN :

My Address became yours, from the moment of its delivery. It is therefore at your disposal. I shall be most happy if your kindly expressed views of its possible future usefulness be confirmed by experience. I am,

Respectfully yours,

CORTLANDT PARKER.

IRA DODD, A. MATTHEWS, HORACE PIERSON, D. W. SMITH, and others,  
citizens of Bloomfield.

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## ORATION.

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AT LAST, after four years of horror, bloodshed, and alternate hope and despair, we celebrate the birth of the nation, without misgiving as to its life. We do it with hearts full of pious gratitude; yet awe-struck, as we look back upon what we have escaped, and forward upon what we are yet to do, ere our triumph is complete.

What Anniversaries are those we celebrated since that of 1860! The first was one of unfounded confidence. The earthquake had only just yawned. We had not had time to plumb the depths it revealed. Treason had, so far, triumphed. Sumter had fallen; and as its flag fluttered down the reveille of patriotism had been beaten, and the stupified North awaked to duty and energy. Seventy-five thousand men had hurried forward to the capital; more were preparing to go. Disaster after disaster had befallen us, yet we attributed all to surprises. Washington was beleaguered. The Potomac could not be safely traversed. Lyon had saved Missouri, and perished. Kentucky was yet in doubt, so was Maryland, though the way across her territory was preserved. Big Bethel had taught us the folly of fighting battles under command of militia generals. Winthrop, and Greble, and Ward, and Lyon, were our best known martyrs. Europe sang jubilates over our follies and our defeats. Yet firm in our consciousness of right, resolved at all events to succeed, we acknowledged no defeat, and went to our first great battle, like the bridegroom to his chamber. We kept our Fourth, for the most part, as if we had only to

reveal our real strength, and rebellion would slink dismayed away.

And so, soon after the occurrence of this festal day, we marched to the fatal field of Manassas. Congress sat expectant of our triumph. With 20,000 men in reserve, within sound of the contending artillery, the great North was ingloriously defeated. It is curious, at this day, to look over the records, read the names of our commanders, and notice in whom we confided, so ignorant were we of men—so causelessly and ridiculously confident. Swaggering imbecility was our chief reliance. Was there one General, commanding at Bull Run, who was ever afterward distinguished? This battle, looked upon abroad as settling beyond reasonable question, the triumph of treason, we now see, sealed its doom. True, it extinguished unionism South, and it performed a corresponding office at the North. It gave cowardice and treachery a hateful argument. It laid the foundation for the vile party spirit which since has so embarrassed patriotism. But it stimulated the principle of nationality, as the fall of Sumter had its mere sentiment. It informed the government and the people. It taught the magnitude of our task. Thenceforward the fight was for life or death, and men were ready to give up everything, rather than lose the nation.

Bull Run was rebellion's opportunity. Had its army advanced, the capital must have fallen. It was so felt at the time. Three days after, I was at Washington. It was crowded with undisciplined soldiers. Consternation and disorder reigned. Reasoning men knew that the panic-stricken forces of the Union would have retired in dismay, had Beauregard appeared on the other side the Potomac. It was on Wednesday after the battle that an Aid to McDowell, who was asked if the city was safe, replied, "By to-morrow night it will be!"

One of the greatest proofs of God's hand in the war, is afforded by the hesitation and delays, at that time, of the rebel generals. It seems, as we look back, amazing. Mary-

land was in sympathy with them. The intrenchments of Washington were on one side only. Scott was unable to mount a horse. Our other generals were utterly without experience. Yet the rebel leaders permitted us to wait well nigh a year, gathering and disciplining our troops, themselves far from their base, and surrendering every advantage. We may think what we please of the inefficiency of our leaders, and of many of them most correctly; but it was nothing compared with that of their's. Had Stonewall Jackson led them then, God knows under whose Presidency we might this day be standing.

But the sorrowful circumstances of July 4, 1861, were nothing, compared with those of the same day in 1862. McClellan, driven to action, but tedious and inert, taking no step as if he was sure of its success, had advanced from Yorktown, through Williamsburgh and Fair Oaks, to the very gates of Richmond. The skill and bravery of his subordinates, especially Kearny and Hooker, had snatched victory twice out of the very jaws of ruin. The country, deceived by correspondents, and these successes, awaited, momentarily, the tidings of decisive victory. Thus did all prepare to celebrate the day, when horror seized all minds, and faith in God almost quailed under the news of the terrific seven days' battle, which resulted in the inglorious establishment of the camp of our defeated army on the left bank of the James, and scattered sorrow in every household. Ah! in what gloom did we celebrate that day! How little prospect was there that this would come! Whose faith did not tremble? The miserable shifts with which incompetency strove to conceal disaster, at first sustained most. But the truth soon was revealed to all. The death of the nation was more imminent than ever.

Up to this time, and longer still, the world was in arms against us and our cause. Skillful diplomacy, conducted abroad mainly by New Jersey's greatest son, at home by the astute statesman still, spite of the assassin's knife, at the head of Foreign

Affairs, had warded off foreign Governmental intervention. But England's commerce perpetually intervened. Our foes lived on her supplies, and carried on warfare with her munitions. France was more hypocritically, but not less really our foe. The lovers of freedom in both countries alone prevented recognition. They saw the apple of our discord. They saw that the success of the rebellion meant the perpetuation of human slavery; its failure, its immediate destruction. This we saw too, but nevertheless hesitated. Deeply revering the letter of our Constitution, and at first unable to see clearly the difference between the powers it confers in war and peace; embarrassed, too, by the presence among us of many who were ready to believe the abolition of slavery the object, instead of merely the necessary result of the war; so situated that our government was compelled to move only in the van of advancing and supporting public sentiment, the people and the President shrunk from the act which the Providence of God seemingly indicated as his end in the war, and which we now know was necessary to our success. And thus, without sympathy abroad, with factious opposition at home, our army shut up at Harrison's Landing, went on that dreadful summer. Then came Pope's campaign, and its successive disasters, with contemporaneous losses of heroic commanders, impossible to supply. Mitchell died of fever; Kearny, not simply "bravest of the brave," but greatest of all his compeers in strategy and execution, fell at Chantilly. Defection and disobedience produced disastrous defeat, and Pope gave way to McClellan. Then came the campaign of Sharpsburg and Antietam—the retreat of Lee across the Potomac—the pursuit by all our forces. And then, mightiest weapon of the war—at once arraying on our side the sympathies of Europe—robbing the rebels of their slaves and their assistance—supplying for ourselves 4,000,000 of allies in the very heart of the Confederacy—the

PROCLAMATION!

The history of this document we now know. It was medi-

tated long and carefully. It was the offspring of the President's own heart and mind; it is even said that it was the result of a pious vow. He alone was responsible for it, as he was for all great movements; for never, since Washington, had we an Executive so independent of his Cabinet, as he. He consulted always, but determined himself. On this occasion, he scarcely even consulted. His Ministers were asked their advice only as to its phraseology, and the time of its publication. A suggestion of Mr. Seward delayed it. It awaited a victory. That victory came at Antietam; and then the thunderbolt was launched. Patriots trembled at the factious wrath it caused. It insured the government temporary defeat at the polls; but it was right. It cast away the scab-bard. Slavery said to the nation, "because thou wilt not worship me, thou shalt die." The government said to slavery, "thy death is the punishment of thy traitorous rebellion." God smiled upon the announcement of a doom so just. The enslaved millions sang hallelujahs in their secret gatherings, and devoted themselves to aid the flag and its defenders. The traitors in the field saw their left arm lopped away, and all the peoples of the earth clapped their hands.

How instantaneous was its effect abroad can be seen from one fact. Its date was September 22d. The steamer which passed the one which conveyed the Proclamation to England, brought us the news that Louis Napoleon had proposed to Victoria a joint interposition for peace. The next arrival told us that England declined it. There was no doubt why. The British Ministry dared not aid rebels, whose defeat was made synonymous with emancipation.

Yet it was, beyond doubt, the measure which most hazarded popular confidence in Lincoln. Nor was it immediately followed by success. Bloody Fredericksburg, where Meade first lifted himself into view, finished the campaign of '62. Chancellorsville, where victory, it is said, was in our grasp, had the Commanding General had the nerve to seek it—the long series

of unsuccessful efforts, which Grant made to open the Mississippi and capture Vicksburg—these were sad indications of what we might hope from 1863. And how faction and treason triumphed and rejoiced! How organized conspiracy burrowed and mined! How foreign sympathy taunted and derided us! How stout hearts and true, everywhere, trembled and prayed! And then, shortly before the Fourth, (the movement timed, I shall ever believe, to act in unison with secret conspirators among ourselves, banded to make secession national, and substitute Davis for Lincoln,) came the invasion of Maryland and Pennsylvania. How rapidly the hordes of Lee overspread the dismayed country! How boldly did the traitors boast that they would water their horses in the very Hudson! How nearly, too, did they execute their threat! Ah! what a Fourth day of July was that of 1863! Who will ever forget it? Seymour casting polished gibes and sneers at the failure and the dangers of the government, at request of the Common Council of New York! Other such orators, throughout the land, discoursing, in kindred manner, while loyalty and right were for the most part silent; waiting, with much foreboding, to see whether God could mean that a wicked rebellion should triumph. And lo! while faction and treason openly denounced and sneered at the failures of the administration, or secretly made merry at what they termed its mishaps—while the secret councils of treasonable conspirators were plotting the resistance to law, which culminated in the shocking riot, rapine and hell-copying, that soon after occurred in New York, and in the disorder and lawlessness of Illinois,—at that moment, when men's pulses almost forgot to beat, the electric wires flashed through the country the glorious news of GETTYSBURG, and the land was safe again.

There are two events in this war (so full of illustration of an overruling Providence,) which stand out conspicuously and almost like miracles. The one is the arrival of the Monitor

at Hampton Roads, in time to encounter and defeat the Virginia,—David against Goliath; the other, the victory at Gettysburg.

At two o'clock, on the night of June 28th, when the very position of the large invading force was unknown, a new man was placed in command of the Army of the Potomac. Taking the command, in the fear of God, this new General, before only commander of a corps, sent forward his Lieutenants, soon endorsed and approved their choice of battle-field, and hurried up his scattered and wearied army to decide the fate of the country. For it was then plain to all the considerate,—it is even plainer now,—that had the traitors triumphed then, the Union would probably have perished. The contending forces were closely matched. Perhaps one slight incident saved the day and all. A corps commander had been ordered to hold a certain position, and defend a mountain which commanded our lines. Some accidental information created fear that there was a misunderstanding. Gen. Meade rode over to assure himself. He found his orders not obeyed. At the moment, he perceived the enemy advancing to take advantage of the error. He hurried up his reserves. The key-point hill was seized and held. And hence the victory of Gettysburg and the ruin of the rebellion. Thenceforward it went down! For, on the same glorious Fourth, Vicksburg was surrendered! The Mississippi was opened. The Confederacy was severed. And though Lee escaped across the Potomac, Meade cautiously preferring to hold his great advantage, and not to risk defeat by an attack upon an unknown fastness, the days of the Confederacy were numbered. Its fall was but a question of time.

And little by little, never afterwards greatly victorious, the strength of this huge treason dwindled. Lee maneuvered, but was out-witted. Lee intrenched, but gained no advantage. Impatient patriots scolded, but prudence disbelieved their ravings. The domain of the Confederacy gradually contracted. The glorious end was certain.

But more blood was to be shed—more effort to be displayed. July 4, 1864, gave little ground for great rejoicings. True, Lee had retreated to Petersburg, and Grant had steadily advanced. Yet the loss of life was frightful, and men's hearts sickened within them. The last act of the drama was yet postponed. Neither Sherman at the South, or Grant at the North, had won decided advantage; and the day was not, and could not be confidently celebrated.

But doubt is gone now! The land is one again! With a suddenness almost incredible, the catastrophe has been precipitated. Armies have melted like avalanches. Within thirty days, the Confederacy dissipated, and

“Like the baseless fabric of a vision,  
Left not a wreck behind.”

We stand, as amazed at its downfall, as at its birth. Its huge proportions overwhelmed us. Its instantaneous dissolution awes us. We rejoice with trembling—“Not unto us, not unto us, but unto thy name give the praise, for thy loving mercy and for thy truth's sake. Our God, he is in Heaven. He hath done whatsoever pleased him. Oh! house of Israel, trust thou in the Lord. He is our succor and defence. Ye that fear the Lord, put your trust in the Lord. The Lord hath been mindful of us, and he will bless us. He shall bless them that fear the Lord—both small and great. The dead praise not thee, oh Lord!—neither all they that go down into silence. But we will praise the Lord, from this time forth, forevermore. Praise ye the Lord.”

Nor only the Lord will we praise! Our hearts are full of gratitude. We will bless and extol forever the true and noble men, full of patriotism and heroism, who have been the instruments of the Almighty in this great work, and whose efforts have saved this great nation—hope of freedom and of the world—from swift perdition.

First, and most of all, will we forever bless the name—alas! that the man should be no longer with us—of the good, wise,

pure, humble-minded, brave, and duty-loving Abraham Lincoln:—our Moses, in this our pilgrimage; and like Moses, only permitted to look at the reward he strove to gain. Better than Moses, in that no aggravation provoked him to undue temper—no dark or sorrowful hour shook his faith in God and his justice—worthier rather to be classed with the great patriarch whose name he bore, who went forth, not knowing whither he went, committing his way unto God, and looking only at present duty, “believed God.”

It will take ages, even among us whom his assassination roused to a perception of his merits, to enable mankind thoroughly to appreciate the character of Abraham Lincoln. Its great element was righteousness. Intellectually, there lay his strength. Read his arguments and State papers. You see no art, no effort at the skill of the rhetorician. What is perceptible, is his desire first, to speak the truth; next, to speak it clearly, so that all may understand. Examine his conduct. He was kind and friendly. He might lean sometimes towards a friend whom his guileless soul had proved; but his constant aim was justice—doing right. He seldom used the phrase, for he despised even appearing Pharisaic. But banishing all thought of himself, unless, indeed, with childish simplicity, and humility, he sought to do his duty. Fearful to profess himself religious—prone to ease his cares with simple-hearted mirth—under his ungainly form, and untutored manners, there was a heart as full of Christian charity, that test of true religion, and of the love of duty and readiness for self-sacrifice as ever beat in mortal breast. Had the wretch who took his precious life, offered it to him before he struck, on condition of abandoning that struggle for the Union, to which he had unreservedly given himself, he would have simply smiled, and bared his bosom for the welcome blow. It is difficult to compare him with Washington. In one great point they were alike. Each loved to do his duty. There the resemblance ends. One was stately, solemn, slow—of but small creative

faculty, elegant in his tastes, moving in conscious superiority over his fellow men. He was a type of his time; for the Revolution was little more than a struggle of home aristocracy out of place, with foreign aristocracy in place—a struggle arising more from distance than difference. The enthusiastic Jefferson was suffered to incorporate in his Declaration the doctrine of political equality, but few subsequent acts of the men of '76, indicated that it was else than theory. But Lincoln believed that doctrine. He knew its truth. He knew what *he* was equal to. He came from the people, and was proud of it. He was no greater, at last, than they. Station, with him, was not honor; it was *duty*. He was but the trustee for the people—their representative and personation. Hence his singular modesty—his study of the popular heart—his careful effort in timing all his acts, to keep just in advance of the people. It was right, and it was philosophic; for the people rule, with us, in fact, as well as law.

Both Washington and Lincoln excelled mankind in *instinctive* accuracy of judgment; but here, intellectually, the parallel stops. Washington, as a statesman, had little aggressive ability. Even his most important State papers were, according to the fashion of that day, penned by others. Not so with Lincoln. He permitted naught further than suggestion. His peculiar, quaint style, most like to the English of the days of Elizabeth, was his own; and while the great ones of the earth smiled or sneered, the "common people heard him gladly;" and, what he sought, understood him and followed him. But why pursue the parallel? Washington was the man for his age. In this he would scarcely have been valued. Lincoln, likest Franklin of all that day, might not have been then equally appreciated. But the world never produced a man so fitted to satisfy and sway the hearts of the common people of this day, as he!

And he is gone! Gone, just (so it seems to me) when most necessary. Gone at the instant best, perhaps, for his fame,

but worst for us and for the nation! The very South had learned to respect him. The North so revered him, that when he spoke or acted, men recalled their own opinions, and waited patiently, sure that *he* was right. And he was so kind, so just, so wise!

Yes! we will bless thee, revere thee, love thee forever! No matter where thy dust shall rest, thou hast thy home in every heart! We bless God for thee! We honor thy manliness, thy perpetual heroism, thy humble faith in right, and love of doing right! If another gave us our country, thou hast saved it! Rest from thy toils, dear soul! Thy funeral train will never cease. The world, till time shall end, will venerate thy name and memory, and weep at thy tomb, while in Heaven thou shalt reap the harvest of those who, following their Lord, die for their fellow men!

Nor while we weep over Lincoln's fall, and bless Heaven for his virtues and his life, will we forget to hallow the names of the thousands who have died the same death, murdered by the same wicked rebellion. We will not underrate the achievements of those who survive. But war has been cruel indeed. Our dead heroes! what a band, for number and for merit! Passing the hundreds of less conspicuous names, what do we not owe to Mitchell, philosopher, orator and soldier: as skillful in strategy and audacious design as rapid and thorough in execution, who mapped the path since seized by Sherman; and to Lyon, saviour of St. Louis and Missouri, and to Kearny, our own Kearny, ever watchful for the foe and for his men, gifted with military prescience beyond all around him, resolving like lightning, and rivaling the bolt in instantaneous execution; never beaten, though the army in which he served met with nought but defeat; looking and acting the soldier above all comparison, and whose very death sprang from a caution for his command which he never thought of for himself. What do we not owe to Wadsworth, and Sedgewick, and Reynolds, and Reed, and Mansfield, and Buford, and McPherson,

and a host of others among our generals, slain or dying in this strife? And what not to the many, many more, whose virtues and whose deeds are known and recited, each in a household of which he is the idol, where his memory is eating away the life of parent or wife, brother or sister, or other loving heart, more burdened because it is forbidden by worldly forms to publish its mourning? Oh! let us vow upon this happy day that the memory of these martyrs to our cause shall never die nor fade. Let each State carve on some tablet where through all time they may be read, the names of her sons who are gone. Let each city and village, on the anniversary of this day, call the roll of those of her children whom she has given to their country, and as their names are uttered who have fallen, let the response of the Old Guard be made, "Dead on the field of honor."

Nor, now or ever, will we forget the living heroes, returned among us, bronzed, scarred, or aged with patriotic labor. To those now here, in the name of the State and its citizens, do I return our public thanks. You have earned a gratitude which we can never sufficiently display. Words cannot convey it. Welcome home! that you may feel through all your lives how much of respect and regard you have won by hazarding yourselves for your country. There may be some who will make light of your labors and deserts, or think you foolish for the risks you have run. But with the wise, the good, the patriotic, the dusty and worn blue coat of the soldier is and will be a passport to sympathy, aid and protection in all that is right and desirable.

I must not forget to name the great leaders under whose care or guidance your victory has been won—leaders civic as well as military. Stanton, whose untiring energy and matchless executive ability, have never been appreciated, and, in fact, are scarcely appreciable; who with one hand has clutched the throat of fraud and speculation, while with the other he hurled an unceasing storm upon the adversary. Seward, skillfully warding off Foreign interference—by nature a Diplomat, whose

prudence and sagacity have world-wide reputation ; and Chase, whose management in finance has brought the country through this crisis so prosperously that we can scarcely ourselves believe it. Welles, too, should have our thanks—organizing so quietly, and with so little parade or even notoriety, a Navy so large and useful—while time will fail me only to repeat the names of those, who on land or sea, have immortalized themselves and their country. Farragut, Porter, Dupont, Worden, Boggs, Winslow, Cushing, Rogers, in the Navy, and Grant, Sherman, Meade, Thomas, Sheridan, Wright, Hancock, Howard, Logan, Stoneman, Wilson, Kilpatrick, Custer, in the army, are names with which the world is familiar. And yet even these are most famous rather from greater opportunity than desert. Indeed, heroism, for these four years, has been national. It has, by no means, been confined to the field. It has been everywhere. In families, where Abraham's faith was copied, and the only or the equally beloved son has been urged, rather than held back, from the altar of his country. In hospitals, where delicate womanhood has outdone all the past, in ministering to the sick, the wounded, and the dying. In the very seats of the money-changers, whence treasure has been poured forth at each new call, with a lavishness unprecedented. At the Polls, where a more decisive victory was won than even at Five Forks or Nashville: and a grander exhibition of lofty patriotism. For history will say, as Europe was compelled to admit, that the quiet election of November last, was the most sublime sight mankind has ever beheld. It is not right to praise ourselves, but it is right to bless God for inspiring all our hearts so fully and so universally, with moral heroism, and the spirit of self sacrifice for the nation and the race.

But, my friends, this day is not simply for thanksgiving or congratulations. These indeed are indispensable. But our work is not yet done. The task of reconstruction is one which calls for the greatest wisdom, patriotism and prudence.

And it seems to me my duty to embrace this occasion, to express some views as to what patriotic men should require in resettling and renewing the nation.

And first, my friends, I submit that all good men should require the **UTTER EXTIRPATION OF SLAVERY**. Slavery was the sole cause of the rebellion. Perhaps this is not entirely true. The ambition of Jefferson Davis and other Southern politicians who thought it "better to reign in hell, than serve in Heaven," was the immediately operative cause. But slavery was their lever. It supplied the sectional mind with its motive. It had, besides, created the difference between the characteristics of the North and the South. Mercy, the great poet of human nature says,

"is twice blessed:—

It blesses him that gives and him that takes."

And so with its opposite. Habitual injustice, which is cruelty, is twice cursed. It curseth him that gives and him that takes. And thus, for ages, slavery was cursing the Southern mind and heart, brutalizing it and making it barbarous. Thereby the South was haughty, proud and belligerent. Money-worshipping among the multitude and place-worshipping among politicians, made the North, for the most part obsequious to the victims of slaveholding, and so these characteristics in each section went on increasing each other, till the South despised us; and those they judged us by, the politicians and the traders whom they used, deserved their contempt. Then, again, slavery made labor dishonorable. Its absence, dignified it. Therefore, at the South, poor whites were lazy and ignorant tools of the aristocratic; while, at the North, aristocracy was impossible, and the multitude hated the principles and characters of the Southern leaders. And hearts blessed by freedom, refused at last to aid in extending human slavery. So, ere we knew it, we were two peoples. Slavery was responsible for this fact. An outbreak one day, we can now

see, was irremediable. Slavery and freedom could not agree. They were in "irrepressible conflict."

If then we would renew the nation, we must extirpate slavery with all the shoots and branches of the accursed tree. Its nature makes it the necessary enemy of our nationality, or any nationality which itself does not control. It cannot act on the theory that the majority must govern. The nation had to be all free or all slave; and blessed be God, it is all free!

Now, spite of the war and the proclamation, it *may* exist. Its breath is not gone. It is susceptible of renewed life. It lives through State Sovereignty and the guaranties of the Constitution, and only a new Constitution can dash out its brains and life forever. Hence the need of the amendment to the Constitution, passed already by almost all the loyal States; rejected, alas! to our great shame, by New Jersey.

If some man says I am talking party politics and desecrating this holy day—I answer, more shame for him and those who strive to make such a question a party one. The lover of the Union, the foe of rebellion, the advocate of the doctrine that this is a nation, and not a simple confederation, must talk such politics. You might as well say that a party could adopt the right of secession as part of their platform, and thus interdict good men from discussing it on such a day, as say that their adopting the motive of secession, slavery, should shut our mouths when our necessary theme is the escape of the nation from ruin, and the destruction of its enemies.

No one wants slavery to continue except rebels and those who sympathise with them—or who cried, hold off, you cannot conquer them. And the cry of those who stand by it is the same which the nation in arms has been fighting. "State Rights!—this is a subject left and which must be left to each state alone; there is no right to pass an amendment to the Constitution on this subject."

There is no limit, on the correct theory of the Constitution,

to the extent to which amendments to the Constitution regularly made, are binding, on any topic not entirely foreign to civil law. The people of this land are sovereign, and they have the right to lodge their sovereignty in such governmental representatives as they please. They have made a double deposit of their sovereignty. So far as regards local matters, they have lodged it in state governments. So far as regards national matters, they have lodged it in the national government. And they have the right to confer upon the governments they create powers on any subject incidental to human society. Or, to express it in ordinary phrase, they have the right to introduce any provision in their great fundamental social compact, restrictive of any rights capable of acquisition. They had a right to say and they did say, in the Constitution that certain powers should reside in the general government, and certain others remain with the States. If they choose they can, following prescribed forms, alter their will in this respect. Following prescribed forms, I say, for that is necessary. They have contracted only thus, to bestow their sovereignty. And when their will is thus altered, it is as if it were so from the first.

This is implied in the clause introduced into the Constitution for the purpose of restricting the construction of power. It is itself an amendment. It provides that "the powers not delegated to the United States by this Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people." But one provision was for amendments. That could only be in several ways. It might be by a repeal of power granted to the United States without lodging it elsewhere, or by such a repeal, lodging it elsewhere, or by a conferring of more power on the United States Government, in which case it might be taken from the States, just as at the beginning, or from the people. The very fact of reservation combined with the power of amendment, confesses authority on the part of the people through an amendment,

to give up or alter or change the deposit of any powers so reserved.

To apply these principles to the question which suggests their consideration. A new amendment is proposed—to wit that involuntary servitude shall be forever abolished. Is that a topic germane to civil government? No one will dispute but what it is, since such servitude only can exist through civil government. God made all men free. Power makes some men slaves, but confers no right to hold them so. That men do through government. The framers of the Constitution scorned to stipulate for such right in the Constitution of a nation created from love of freedom. They found the right created by State authority. They left it so. But they had the right then,—the sovereign people had,—to take from the State (or from themselves in the exercise of their sovereignty through the States,) the power to hold part of their fellow creatures—their fellow citizens—Slaves. And if they had, they have it still, provided only that they do it in the way they agreed to do it, through an amendment passed first by Congress and ratified by a majority of the States in legislature assembled.

It is astonishing that men should raise a doubt on this topic. What is an amendment? It is the provided way of making a new Constitution. And cannot the sovereign people of this Union, who agreed thus to express their will, do it whenever they choose?

Observe, too, that the Constitution itself shows that the people considered this topic within their reach. It provides for legislation to secure the master his fugitive slave. This in favor of slavery. Again, it provides that the "migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited to Congress prior to 1808,"—a clause which admits the right of prohibiting it afterwards, as has been done; and which is a regulation of property in slaves. Thus the Constitution treats

the holding of slaves as a subject to be regulated. And if the will of the people can make a National Constitution help secure slaves, cannot the same will, Constitutional forms observed, secure their freedom? Is the sovereignty of a free people, only competent to rivet human chains, powerless to knock them off? Forbid it reason, justice, Almighty God! whose decree has gone forth, as glorious as that which gave light to the world—"let the captive free!"

Fellow-citizens, I rejoice while yet I grieve and blush that this subject should be so practical a one with Jerseymen. I grieve and blush because a New Jersey Legislature has, by a party vote, rejected this glorious amendment, and I rejoice because that act has devolved upon the people, on you and on me, the responsibility of deciding finally whether or not this vile cause of strife, this crying injustice, this stigma on the fame of our fathers, this blot upon our Constitution, shall or shall not be wiped away. The vote of New Jersey is almost certain to decide the question for the Union—to settle whether millions of men shall again be bondsmen. Men, over a hundred thousand of whom have risked their lives in support of our laws. Men, many thousands of whom have actually died for our flag, and many thousands more have bled for it. Men, who have protected, fed or guided our brave boys escaping from the horrid torments of rebel prisons;—have piloted our generals to victory, saved them from defeat, never been otherwise than faithful to us. Men, whom rebellion against us has gifted with freedom; and who exult to-day with the innocence, gayety and helplessness of children, in its possession. Men, for whose emancipation all civilization rejoices, and to which even traitors now consent. It is, I say, for New Jersey—New Jersey, thousands of whose sons have been murdered by slavery, using the hands of those who avowedly fought for it, to settle—for us, each one of us, men and brethren, to help settle, whether this serpent, slavery, shall or shall not be strangled and forever destroyed! I feel there can be

but one result. The sons of New Jersey will stand on the side of civilization, freedom, their country and their God. If they do not, let us change our State or our name!

But, fellow citizens, this is not all which, in the process of reconstruction, devolves upon us in this matter of Slavery. It must not merely be excised. It must not merely be forever prevented. The ramifications of the cancerous virus must be pursued, dragged out or neutralized. And that for our own safety as well as for justice.

American slavery not only chained individuals; it fettered a race. It disgraced a physical formation. Those who support it claim, boldly, to define the intention of the Almighty, and subject all born on a particular continent below a certain degree of latitude, nay, all who with whatever admixture, share their blood, to the ban of involuntary servitude. If individuals were freed, that did not give them equality before the law. They were not citizens. Their oath cannot be taken. They are placed under guardianship. Poverty re-enslaves them. So may breach of several technical laws, and suffrage is wholly denied them. This is the state of the 4,000,000 now in the South. Shall we leave them so? These only loyalists, shall we leave them to be governed by those against whom they have rebelled? or rather whose rebellion they had withstood? Shall we endue them with no right except freedom? Are *we* safe, is the Union safe, withdrawing its armies and navy, leaving those to support it, whose lives have been given for four years to its destruction?

This subject is full of painful interest and not unmixed with difficulty. It involves both power and policy. But I cannot think the day well spent without venturing its brief discussion. And, first, I remark, that State governments do not now subsist in the lately rebellious States. The Constitution of the United States requires every State officer, from the Governor down, to swear to maintain it. That oath is essential. Yet the present State officers have not only not taken

it; they have sworn to destroy it, have taken an oath of allegiance to a pseudo government whose life was only possible through the death of ours. Clearly, then, the States are without legal officers.

But further than this, their present Constitutions and laws deny the authority of the National Constitution, and admit and assert that of its enemy; and require all officers to swear and bear allegiance to it. Then, have they Constitutions? Certainly none, which are operative. They cannot operate without producing rebellion. If it is said that the old Constitutions remain, it can be also said that they require governmental action to set their functions in motion. The situation is, at least, what would have occurred had the people of a State, after legally creating its Constitution, neglected for years to elect officers under it. Some authority must set the wheels in motion.

If you say, recognize the old Constitution and start the wheels, I answer, that could not be without calling on men who have sworn or recognised allegiance to another Constitution, to use the machinery of this. The State Constitutions as they exist, provide certain requisites to suffrage; omitting, entirely, to specify that open rebellion disfranchises; while it is plain no Convention could have meant that traitors to a Constitution should hold its offices or reap its privileges. Yet all who fought against the United States are in each State traitors against the State Constitution, for that requires allegiance to the United States. If a State has no right to secede, every traitor to the Union was a traitor to his State. This is an important truth, recognized by the laws of New Jersey. They define treason as consisting not only in levying war upon the State, but upon the United States. And they are right. Our temple of liberty is a structure of composite parts. Its foundations are the universal equality and brotherhood of man. Its walls and lofty dome enclose, guard, defend and confine the States, while they, like mighty pillars, uphold the dome and strengthen

all. But they, blind Samsons, who strive to tear them away and make them hostile to the noble building of which they were a part, made war thereby not only on the nation which the building represents, but on the States themselves. It would have been a revolution as regards the Union, but not less one against State authority. Conventions of the people were therefore plainly necessary, either to frame a new Constitution or re-adopt and renew the animated existence of the old.

Conventions of the people? But who are the people? Who shall determine who are the people? Enemies, resident within State borders, are not its people; not even, though they profess repentance and friendship. Citizens of foreign lands therein resident are not of the people, confessedly. Are those who have deliberately abjured their citizenship, and whom legal authority has not restored?

Who are the people? All citizens of the States, who have *not* abjured their allegiance to the old Constitution of their State—the Constitution which acknowledged the United States,—by deliberately, and as citizens, making war upon the National Government.

But practically the most important inquiry is, who is to *determine* who are the people? That must be settled by superior authority, or by circumstances. Had there been no rebellion, and no government heretofore, some persons would have spontaneously congregated, formed their Constitution, and the rest would have accepted and lived under it. But that is not now safe. Or if it be, it is not the best way. It is the most likely to promote future strife. And so we cannot reflect upon the matter without seeing, the actual State government having become unlawful, being actually rebellious, that the proper, and in fact, the necessary way is for the government, which they say has conquered them, to accept the situation, and determine who shall be regarded as the people of the State, and form its new Constitution.

Who should be designated as the people? None, who

helped organize the rebellion ; none, I think, who participated in it, whatever their present penitence. No matter how many are excluded, no matter how few included. None should be suffered to vote who are not loyal to the State, and ready to accept the new destiny of the South, a land where hereafter there cannot breathe a Slave. Such men will amend the laws of the State so that Slavery will disappear in deed as well as in name ; so that color will no longer disgrace ; so that our duty to those who have helped save us, may be done. I will not enter here into the question of negro suffrage, except to say that it is in my mind a mere question of policy. No man has a right merely as a human being and morally, to exercise the right of suffrage. Some government there must be. They only should be entrusted with it, who are capable of exercising it. It is wrong to give the right of suffrage to the incapable ; as much so as to give it to the wicked. If a man does not know how to govern himself or take care of himself, shall he nevertheless have the power of governing those who do ? When we exclude minors, lunatics, criminals, unnaturalised foreigners, the female sex, we admit this doctrine to be right. That the blacks are now competent, as a general rule, for suffrage, I do not believe. And though there are classes of men now voting, of whom the same might be said, does that alter the question ? That *many* of the blacks *are* now competent for suffrage, I also believe. Color should not exclude them any more than red hair or any other physical mark of a race. Fix a rule which will include as nearly as possible, all who are fit to vote, and exclude as nearly as possible, all who are unfit. That is the correct principle. And if the rule excludes any, let it not be for a reason which they cannot help. For myself, if the agitation of this subject should tend to induce the adoption of the principle that no man should vote who cannot read and write, and that all citizens of the United States who knew how to read and write, without regard to color or lineage, should vote, a step in advance would be gained, worth much of the toil, treasure and suffering of the last four years.

And one thing more I will say, if it is apparent before the work of reconstruction is complete, that in order to protect the people of color in the South, they or any of them should be allowed to vote, it is within the power of the government to do it, and it should be done. The disloyal may be dissatisfied. If so, it is rather a reason for, than against the measure. But justice and our own safety demand that these poor, helpless, ignorant, innocent people shall not again be enslaved, either under the law, or, as may easily be done, by legalizing social antipathies and establishing unrighteous inequalities, in spite of the law emancipating them.

And, at the risk of fatiguing you, my friends, I feel it right to pursue the subject of our duty to the colored people of the South a little farther. Fully to appreciate what I would say, it is perhaps essential to go among them and study them. Many of you know that although always desirous of their Emancipation, I never was, indeed I formerly abhorred being called an abolitionist. I never regarded Slavery as *per se* sinful, any more than holding an apprentice. The one makes men masters of a portion of another's life; the other of the whole. Whether the slaveholder was a sinner in that regard or not, depended, I have thought, on each particular case. If he sold them; if he encouraged vice among them; if he neglected them; if he failed to regard them as possessed of souls like his own, and did not teach them, improve them, work for their salvation in the other world, and for their highest happiness in this; if, in a word, sustaining a relation of guardianship, as nearly as possible equivalent to the parental, he failed to discharge its elevated duties, then he was a sinner, at whose hand God would require a fearful reckoning. And what we have seen and read of Southern slavery, impresses one most painfully in this view of the matter. The laws and social life of the South have been framed with the plain intent to put back and keep back this whole race in the scale of moral and intellectual being, and most deplorably have they succeeded. As a general thing they

are wholly unfit for self-dependence. They wander about the neighborhood of their homes, as horses suddenly released from the stalls might stray near them, with no more thought for the future, little more care for the present, or apparent benefit from the past. They eat what they can readily find, but when they do not find, they starve. Disease strikes them, and they die like sheep, while the living stare helplessly upon them, unconscious till death comes that it is near. The mortality and disease among them is fearful. It is just as if families of children were deserted; not a particle better. You talk to them of work, and they think you mean, after all, to deny them liberty. You talk to them of self-advancement and for the most part, they are as ignorant of what you say or as incapable of resolving it, as your children. One thing they *do* appreciate; and the contemplation of the fact, stirred me even more to anger with the vile system, and its promoters than almost any one thing besides; they do appreciate the privilege of knowledge. Their anxiety to learn to read is wonderful. The young, middle-aged, old, all are busy with the spelling-book. The old pray to be able to read the word of God. The middle-aged see in knowledge a mysterious talisman whereby they will be equal to their former masters—the young are inspired by the example of their seniors. In a village at Hilton Head containing 3,000 blacks, there are twenty schools. How atrocious the system, which, with the intent to perpetuate itself, has shut the door of knowledge to a whole race, so anxious to have it opened! How equally atrocious the allegation on the part of its upholders, they first doing their best to make it so, that the race is naturally so inferior, as to be unfit for freedom and for progress! Give these poor benighted ones, light—the light of God's word, not only, but the light of knowledge; wait till their dim bleared eyes grow used to the sudden gush of the blessed sun—nurse them, for our laws have for centuries kept them as children—let them be educated, in schools, but better yet by the possession of privileges, and

responsibilities—let them see themselves able to win respect, notwithstanding their atrocious crime of a skin darker than our own— treat them, if you will, as inferiors, but as inferiors ought to be treated, with kindness, with encouragement, with Christian charity, not with haughtiness, obloquy and contempt. Do all this, it is our duty. It is but what gratitude demands. It is what self preservation requires. For Rebellion, be it remembered, was Slavery; the haughty spirit of caste which slavery necessitates. And its utter extirpation is necessary to a cloudless future.

But these reflections are not what I wished particularly to make. There is an especial duty—a great duty—and a great charity *now* devolved upon us. It is to care for and regulate these helpless millions; to see that they have their freedom indeed; to help them to grow worthy of it; to educate them to self dependence, to protect them against wrong. Government which usually leaves men to take care of themselves, simply protecting them against aggression, has a positive duty to discharge here, akin to that of popular education, outside of the Constitution, but not in breach of it. How it is to be discharged, I leave to wiser heads. Its difficulties may be mastered by study and patience. The law establishing a Bureau for freedmen is a step, perhaps a complete one, in the right direction. It must be sustained and followed up. And voluntary enterprise, so nobly exerted in the Sanitary and Christian Commissions and various other associations springing from and dying with the war, must exert itself in this channel, a duty more incumbent upon us than any kindred one with which we have been familiar.

Thus far I have called your attention to our duties to ourselves, and the race, to keep whom in assured subjugation treason attacked the authority of law, and the being of the nation, I now invite it to our duty towards those who have committed the great crime of rebellion.

Of these there are several classes, all guilty before the law,

but widely differing, morally. There are the politicians who conspired and plotted secession. There are the men of intelligence who for selfish motives aided them in bringing it about or afterwards in carrying it on. There are the officers of our own army who deserted their flag and carried skill which they owed the nation to the service of those who sought its destruction. There are the misguided multitudes, who, deceived by the idea that secession was legal, opposed it as causeless, but felt bound to go with their States. There are the still greater multitudes who were induced by poverty, ignorance or excitement to enlist, or were conscripted and driven to take up arms against us. And, among all these, are to be found men who carried on the war with cruelty and outrage, either in the army or directing it.

There is little difficulty in deciding what to do with most of these. There has been no motive but legal necessity prompting the North. Foreign sympathisers with the enemies of the Constitution, have charged us with making war for territory. If we did, it was for our own territory, in virtue of our allegiance, and in obedience to its requisitions. It was in maintenance of law that we fought; and we fought without animosity, nay, sorrowing perpetually that it should be so. Therefore, in spite of all we have suffered, we have for those innocent of evil intention, or who obeyed a mistaken sense of duty, nothing but mercy. True, we must guard ourselves against similar conduct on their part, hereafter. Therefore, their pardon should be conditional—especially to aid in destroying the solitary cause of strife between us. But they have expiated their offence, and we take them by the hand again as brethren, wondering only how they could have so hated and fought us. But as to those who entered upon this great crime with evil intent, or who carried it on with ferocity and cruelty, what are we to do? That is one of the great questions of the hour—a question fit to be spoken of on this happy day, when we stand here praising God for our deliverance, and rejoicing over renewed peace.

I would speak calmly, charitably and justly on this topic. I have endeavored carefully to consider what has been said and written, by friends and enemies on both sides of the water, respecting it. And, it seems to me, the answer to my question is plain, if we are true to our allegiance, and recognize it as a duty. Those guilty in this thing, morally as well as legally—those who sought the death of the nation, without a wrong to complain of, with none to anticipate, with none to imagine, against which they did not possess the power of prevention—who sought it for selfish motives, either personal ambition or a desire to perpetuate the right of property which they called slavery—those who meanly and secretly conspired, while enjoying public position and honor and influence, to ruin this great nation, the acknowledged hope of freedom, religion, and the world—such men should be punished, or else all connection between guilt and punishment should forever be done away. Else tear down your prisons, bury the gallows, and blot from the statute books every law which affixes punishment to crime.

Look at this little waif, taken from the letter-file of the chief of these conspirators, and judge respecting his guilt:

“SELMA, (near Winchester, Va.,) Sept. 30, 1856.

“MY DEAR SIR:—I have a letter from Wise, of the 27th, full of spirit. He says the governments of North Carolina, South Carolina, and Louisiana, have already agreed to the rendezvous at Raleigh, and others will—this in your most private ear. He says further, that he had officially requested you to exchange with Virginia, on fair terms of difference, percussion for flint muskets. I don't know the usage or power of the Department in such cases; but, if it can be done, even by liberal construction, I hope you will accede. Was there not an appropriation, last session, for converting flint into percussion arms? If so, would it not furnish good reason for extending such facilities to the States? Virginia, probably, has more arms than the other Southern States, and would divide in case of need. In a letter, yesterday, to a Committee in South Carolina, I gave it as my judgment, in the event of Fremont's election, the South should not pause, but proceed

at once to 'immediate, absolute, and eternal separation.' So I am a candidate for the first halter.

"Wise says his accounts from Philadelphia are cheering for old Buck, in Pennsylvania. I hope they be not delusive.

"Vale et Salute,

"J. M. MASON.

"COLONEL DAVIS."

What have we here? A Secretary of War, in 1856, conspiring with a United States Senator, and the Governor of Virginia, as well as the Governors of Louisiana, North Carolina and South Carolina, to make war on the United States, unless their candidate was elected President! Having correspondence about arms, and about using his office as Secretary of War to furnish arms to Virginia for such a war! All this as long ago as 1856, and in acknowledged risk of the halter! And over this volcano men slept four years, while its fires never cooled. No eruption occurred, because these conspirators were still in power. But when they ceased to be, or rather when they saw it likely to cease, their old resolution was executed, and this eminently peaceful, peace-loving and happy country, was deluged with the most horrid war over which humanity ever groaned, carried on by its authors with a ferocity disgraceful to humanity. And now, with a Constitution which creates and defines treason, and a law passed under it affixing its punishment, are all these conspirators, without one particle of extenuation for their crime, who meditated their treason longer, and executed it with more boldness, skill, and success than mankind ever knew, to go unhung?

It is said that this treason was on too grand a scale, and for a long time too successful—that it compelled us to treat with the rebels as belligerents, and recognize the strife as civil war. What of that? It is a strange thing to say that if the rebellion had been unsuccessful in taking Sumter, and immediately repressed, it would be right to punish its contrivers, but inasmuch as it became almost invincible—would have been to any

nation but our own—it is wrong. And as to our treating them as ordinary enemies, that did not change their status, nor was it so regarded. It was a step of necessity, which deprived us of no right. When nations have acted thus, it was through fear and policy, not justice. Thank God! these motives need not affect us.

It is said that other nations have taught us lessons in this matter and various instances are referred to. The deaths of Charles I. and Louis XVI., executions under the forms of law, but against law, by successful rebels, are no parallels where the question is what shall be done with wicked, unsuccessful rebels by the government they meant to ruin. Nor does the opinion of mankind respecting the remorseless cruelties of Russia and Austria, of Cromwell in Ireland, of the Kings of France and Spain, at all establish that unjustifiable rebellions should take place, and *no one* be punished.

It is said that we shall lose some of the good opinion we have now abroad if we execute the law. Let it go. Why should we care about opinion abroad. They cannot understand us, or will not, if they can. And they draw no lines between cases where men rebelled in order to be free, or to remove a grievance, and when they had no peaceful remedy, and cases where men rebel that they may not be molested in their resolution to keep 4,000,000 of people and their descendants slaves, when they had no grievance, and if they had, possessed a remedy.

These pleas come either from dreamy humanitarians, or secret or open sympathisers with the defeated rebels. But Humanitarianism is not philanthropy, and as to foreign friends of Davis and the Confederacy, let them howl! In my mind, we should share the guilt of traitors, did we not punish treason. That is law. Our allegiance requires the efforts of every man, to detect, arrest and punish traitors, as much as to quell them in the field. And we are untrue to it, if we let a silly sentiment or the wishes of others, deter us from our duty.

profuturus?" "Dear are our parents, our children, our relatives, our friends, but all that we love in all of these is embodied in our country—for whom, what good man would hesitate to welcome death, if by it she could take advantage." Let us meditate solemnly on that awful crime, permitted that men might see the lowest depth of the rebel heart, which deprived his country and mankind of the precious qualities which made up Abraham Lincoln; and let us, in fine, resolve to obey, as we would the dying command of a beloved father, his last injunction to the people whom he loved—beautiful description of the purpose with which he began his second administration,—“With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds; to care for him who shall have borne the battle, and for his widow and his orphans; and to do all which may achieve and cherish a just and lasting peace, among ourselves and with all nations.”